

REMARKS

This is in response to the Office Action dated January 20, 2010. With this response, claims 1 and 109 are amended; and all pending claims 1-43, 45, 47-54, 56, 109 and 111-114 are presented for reconsideration and favorable action.

The present Office Action reiterated the comments from the prior Office Action. In the response to the argument section 5 of the Office Action, a number of specific items of the Gollomp (U.S. Patent No. 6,424,157) reference were identified. Specifically, Figures 2A/B in the Abstract were cited as showing the use of a battery test result in a starter test.

With this response, the claims have been amended to clarify that the actual starter system test itself is modified based upon the result of the battery test. This is not shown by Gollomp, therefore the rejection should be withdrawn.

As noted at the top of page 14 of the Office Action with reference to Gollomp, "if the battery test result was not part of the determination, it would be unclear as to which device was actually at fault (the starter, the charging system or the battery)." This is precisely the shortcoming of Gollomp which is addressed by the invention as set forth in the pending claims.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment, including the Office Action's characterizations of the art, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation. Applicant reserves the right to prosecute the rejection claims in further prosecution of this or related applications.

In view of the above amendments and remarks, it is believed that the present application is in condition for allowance. Consideration and favorable action are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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